

O P E N I N G   S T A T E M E N T

TOJO, Hideki

Individual Defense

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MR. PRESIDENT AND MEMBERS OF THE TRIBUNAL:

In this opening statement we shall outline briefly the representations of the defendant TOJO, as will be testified to by him in his own deposition.

The evidence covered is divided into two parts, differing in nature, one part comprising matters of a general nature which will be amplified and more satisfactorily described by the witness from his own observations as the person most directly concerned. The second portion of the affidavit will consist of internal and external situations in Japan which led up to certain critical decisions and actions as the witness understood them at the happening, as well as of the expositions of motives, objectives and the essence thereof, although these decisions and actions of themselves have already been offered in formal proof in the General Division in this case.

TOJO's deposition begins with July, 1940, when he was recommended as War Minister in the Second KONOYE Cabinet. Before that time, TOJO had been successively appointed Commander of the 24th Infantry Brigade, at Kurume, Commander of the Kwantung District Military Police, Chief of Staff of the Kwantung Army, Vice Minister of War, and Inspector-General of the Air Force. But he held these posts merely in a capacity as an Army officer, serving faithfully under established military authority, and he was not responsible

during those years for the formulation or decision of Japanese national policies. Nor is there proof that TOJO had taken part in political activity as one of the so-called "younger officers" outside his regular duties. Therefore, with regard to the affairs which took place prior to his appointment as War Minister, he has not much to state or refute in particular. As he once stated to the Prosecution, TOJO will never evade his political and administrative responsibility for the actions he performed and the events which took place within the scope of his authority since assuming the post of War Minister in July 1940, and, later, that of Prime Minister in October 1941. As to whether he was criminally responsible therefore, we must leave to the judgment of this Honorable Tribunal.

TOJO's testimony will be given for the sake of convenience, in the order in which the events took place. So the facts which tend to serve for the same purpose of proof may appear separately from one another in accordance with the time of their occurrence. There will also be some instances where several aspects of the evidence jointly constitute a single fact, which are unavoidable in so comprehensive a presentation of events. And though it is divergent and complicated, the important matters may be summarized into the following seven points:

(1) That Japan had neither planned nor prepared beforehand for the war against the United States, Britain and the Netherlands.

The Second KONOYE Cabinet, formed in July 1940, decided upon the two national policies as set forth in "Outline of the Basic National Policy" (Ex. 541-1297) and "Gist of Main Points in Regard to Dealing with the Situation to meet the change in World Conditions" (Ex. 1310). It is a fact that these constituted the foundation policies of the Second KONOYE Cabinet and the succeeding ones. They aimed principally at (1) settling the China Affair which had already broken out, and (2) ensuring the independence and security of the state by strengthening national defence in view of the world situation at that time. The settlement of the China Affair consisted in bringing the issues to an end in such a way as to save the face of both Japan and China, to cease the anti-Japanese movement, to secure friendly relations between the two countries for the future, and to protect both nations against subversive activities of the Comintern, thereby contributing to the maintenance of peace in East Asia. It intended the realization neither of territorial ambition nor the idea of economic monopoly. The Tripartite Alliance was also concluded in order to settle the China Affair and avoid war between Japan and the United States. The actual circumstances relating to these matters at that time will be clarified by TOJO's testimony. There was no plan to dominate the world or any part thereof in conspiracy with Germany and Italy, Italy, or with any other nation or person, and his evidence should completely dispel any idea that Japan attempted or carried out such a bizarre affair.



It will be shown that both the Japanese Government and the military circles set their hopes on the success of the Japanese-American negotiations essayed in April 1941, with high hopes of bringing them to a rich fruition. Proof will also be introduced evidencing the clear intent of the Japanese Government in going to the limits of changing its Minister of Foreign Affairs to make certain of honesty of purpose in United States-Japanese negotiations. Proof will be offered that the Japanese Army formulated no actual preparations for war against the United States, Britain and the Netherlands prior to 6 September 1941. Proof will further be indicated that the war, when it became unavoidable, was neither deliberate nor premeditated. The dispatch of Japanese forces to French Indo-China in 1940 and 1941 was aimed principally at the settlement of the China Affair and was carried out under the guarantee of recognizing the territorial integrity of French Indo-China and respecting the sovereignty of France therein. In this connection we have secured and so are able to produce the letter addressed by Prime Minister KONOYE to Field-Marshal Henri Phillippe Petain, the then recognized Head of the Republic of France, in July 1941. Further, Japan's policy towards the Southern regions was limited to French Indo-China and Thailand. With regard to Malaya and the Dutch East Indies, it aimed merely at the maintenance of economic and commercial relations.

(2) That hostilities against the United States, Great Britain and the Netherlands were provoked by the allied nations, and the attacks were

unavoidably instituted by Japan in self-defense and for self-existence.

It was really a matter of the utmost seriousness that Japan, while involved in the China Affair with its four years of exhaustive national effort, should finally decide in 1941 to take up arms against the United States and Great Britain, the two greatest Powers in the World. How did such a momentous decision reach maturity? TOJO is able to tell the story. On 26 July 1941, the United States, Great Britain and the Netherlands issued orders to freeze Japanese assets. The plan to improve the situation by means of a personal talk with President Roosevelt, which Premier KONOYE proposed in August, failed of effect. Thereupon, the decision to go to war was finally made through the following stages:

- (a) The Imperial Conference of 6 September 1941.
- (b) The Imperial Conference of 5 November 1941.
- (c) The Imperial Conference of 1 December 1941.

Of the matters decided upon at the Imperial Conference of 5 November 1941, only Plans A and B, which form but a part of all the matters decided on, have been proved, and the decision itself has not yet been sufficiently shown as a whole (although this is partly touched upon in the testimony of Mr. YAMAMOTO, Kumeichi, court record 25,949) It will be proved completely by TOJO's testimony. At the same time the defendant will, as far as

he remembers, testify to the internal and external situation at the time when decisions were made at the above three Imperial Conferences, the information obtained as to the attitude of the United States and Great Britain, procedures that had been taken in advance before the opening of the Conferences, the details of explanations and discussions at these Conferences; and the essential point of the decisions. Of all the items enumerated above, the information obtained as to the attitude of the United States and Great Britain is of the utmost importance. For it will show that the exercise of the right of self-defence was regrettable but an unavoidable course of action which the then leaders of Japan were driven to take. After November the Supreme Command of Japan was considering that a forestalling attack might perchance be made by the Americans at any time.

(3) That the Japanese Government had scrupulously prepared to deliver the lawful notification of war to the United States of America prior to the commencement of hostilities.

In TOJO's evidence it will be proved that the gist of the note<sup>to</sup>/be dispatched by Japan and the main reasons to be set forth therein were brought up for discussion by TOGO, Foreign Minister, and met with unanimous approval at the Liaison Conference on the 4th of December 1941; the procedure of its delivery were left entirely to the Foreign Minister; that Japan would be free to take any action subsequent to the delivery to the United States Government of this note with regular formalities required

for notification of war in compliance with international law; that the delivery should by all means be made to the United States Government prior to making an initial attack; and that the time of delivery of the note to the United States Government should be fixed after mutual consultation among the Foreign Minister and the Chiefs of General Staffs of the Army and the Navy. It will also be proved that at the Cabinet meeting on the following day; that is, the 5th of December, Foreign Minister TOGO gave explanations of the gist of the note to be dispatched to the United States, which was unanimously approved, and that the formalities to be taken for its delivery were left entirely to the Foreign Minister. It will also be shown how circumspect the Japanese Government was to instruct its Ambassador in Washington in order that this important note be delivered without fail at the appointed time. Namely, it will be conclusively shown that the Japanese Government had never deliberately planned to deliver the note after the Pearl Harbor Attack. That is to say, with regard to the text and delivery of the Japanese final note, both the Liaison Conference and the Cabinet positively believed that these matters had been thoroughly studied and lawfully executed by the Foreign Office authorities in the light of international law and treaties.

(4) The true purport and significance of the Greater East Asia Policy.

The Greater East Asia Policy advocated by Japan was known by various names, such as the New Order



in East Asia or the establishment of a Co-Prosperity Sphere, etc. This term was often distorted and even made an object of vilification by other nations during the war. The Japanese people, however, had always clearly understood the true purport and meaning of the term. The essence of this policy consisted in securing political freedom for all the peoples of Greater East Asia, in accordance with their voluntary desire; in other words, first the emancipation of East Asia and then mutual co-operation for the establishment of East Asia. The realization of the policy was primarily to be effected by peaceful means by appealing for international co-operation and understanding of the various nations of the world. The Pacific War, as stated above, was started for the sake of the self-existence and self-defense of Japan and not as a means to implement the Greater East Asia Policy. However, once the war was started it was inevitable that a great change should take place in the status quo of Greater East Asia. We simply took this opportunity to cooperate with the various peoples in achieving their long cherished desire. In TOJO's statement, the substance of the above-mentioned Greater East Asiatic Policy, and the measures adopted as a means for its realization will be shown. Above all, it will be explained how:

- (a) the last remnants of unequal treaties, then existent, between Japan and China, were abolished
- (b) recognition of the independence of self-government of all East Asiatic peoples.

(c) the Greater East Asiatic Conference was held to promote mutual understanding between the various nations.

These are items connected with and tend to prove that Japan did not entertain any aggressive intention in this connection.

(5) The Non-existence of the So-called "Militaristic Clique."

The Indictment opens with the statement: "In the years hereinafter referred to in this Indictment, the internal and foreign policies of Japan were dominated and directed by a 'criminal militaristic clique'". Such an allegation, which seems to be woven through the entire Indictment, is a fallacy of the highest degree, one having no basis in fact or foundation whatever. At that time, if it is true, voices of the War Ministry, the Army General Staff, the Navy Ministry, the Navy General Staff, component parts of the state organization carried great weight. This, however, is attributable to the fact that these military organs had come to be entrusted with greater power as a result of the system of selecting Army and Navy Ministers from the active list, as well as the absolute independence of High Command from civil administration. Then too, the political parties became alienated from the people owing to international unrest and internal discontent. It does not mean, however, that there existed any organization having powerful influence which could be termed a "militaristic

clique" in fact or in imagination, outside the officially constituted state organization, nor that any such influential clique came to power with the specific object of carrying out policies of their own. Throughout TOJO's testimony, it cannot be admitted for a moment that any such imaginary power ever was a motivating force behind the internal and foreign policies of Japan. It is indeed true that there existed a movement by the so-called "younger" element and such incidents as May 15th and February 26th occurred. However, on these respective occasions, the actual leaders of the Army and Navy spared no efforts to suppress them. After the outbreak of these affairs, there were not a few who attempted to achieve their own ambition, taking advantage of these incidents to propagandize that these incidents were representative of the general atmosphere of the Army and the Navy.

It happened that these groundless rumors gave rise to a gradual growth of feeling of the existence of some militaristic clique of a tyrannical nature. We must point<sup>out</sup>/that those who were moved by such rumors did not take pains to ascertain the actual situation from anyone with responsibility, and rashly concluded out of sheer imagination that there was such a group as to be called a "militaristic clique." Since the February 26th Incident, in particular, the successive War Ministers had strictly prohibited military personnel from taking part in political affairs, and had been exceedingly vigorous in straightening out and maintaining military discipline. It was widely known that during TOJO's

tenure of office as War Minister, there was nothing left to be desired in regard to the control over Army and civilian personnel, as well as the maintenance of military discipline. This will all be shown in his testimony.

(6) The Independence of the Supreme Command and the functions of the Liaison and the Imperial Conferences.

Under the former Constitution, national defense and military operations; that is, matters pertaining to the Supreme Command were not included in the state affairs, as repeatedly alluded to in this trial. Thus, it was generally understood that state administrative ministers (including War and Navy Ministers) were not authorized to interfere in affairs strictly the province of the Supreme Command. In actuality, however, if the state structure was divided into two separate parts, the civil administration and the Supreme Command, having nothing to do with each other, there would be no diplomatic and military functions at work. So in order to bring about adjustment and harmonization between the two divisions, the Liaison Conference, the Imperial Conference, and, later, the Supreme War Directing Council were created. It will be explained that matters decided by these organs were further to be ratified, according to the nature of the proceedings, by organs provided for in the Constitution, such as the Cabinet or the Supreme Command, and thus made constitutionally valid, specifying the source of responsibility for the matter involved.



The testimony of this witness will be helpful in locating the source of responsibility for various decisions connected with the questions here discussed.

(7) That the dominant characteristics of the Military Administration exercised by TOJO consisted in a just control and discipline of the military system, and he gave neither orders for, tolerated, nor connived at any inhuman acts.

During the periods in which he held various positions in the Army, TOJO was well known for his stressing of just control and stern discipline. On the occasion of the February 26th Incident in 1936, he promptly arrested in Manchuria many of those involved, and established rigid control to avoid any further disturbances there. When he was for the first time entrusted with political responsibility as War Minister in the Second KONOYE Cabinet, it was one of his principles, in regard to the Army, to "further intensify the control of the Army." Accordingly, in September 1940, when the advance was made into Northern French Indo-China, he ordered a Court-Martial to determine whether the border was illegally crossed or not. He also requested a court-martial when it was alleged there was maltreatment regarding prisoners of war in connection with the construction of the Burma-Siam railroad. The efficient use of regularity and the observance of laws and regulations were the features of military administration under TOJO. Careful consideration was paid to the proper treatment of prisoners of war. In regard to the treatment of civilian

internees, he never disregarded or connived at violations of laws and regulations. Neither the text of "Prisoners of War's Labor Regulations" issued in his name, nor the instructions given to the Commanders of the prisoner of war camps ordered forced labor to be imposed. TOJO issued especially "Instructions to the Officers and Men at the Front" by which he ordered all officers and men to carry out and strictly observe the instructions therein. He never at any time gave orders for, or countenanced the commission

. of an inhuman and it is a fact, as referred to by other defendants, that he had always been strictly obedient to the desires of the Emperor. It will also be proved that he laid before the Throne the matter of obtaining the Imperial sanction for commutation of death sentences imposed upon enemy fliers who raided Tokyo. This act of his he believed to be in accordance with the Emperor's gracious desires.

At this stage of the TOJO case, no other witness will be called other than TOJO himself, who will take the stand to give his own testimony. We are to submit several documents, nearly all of which are either those cited in the TOJO affidavit or those certifying to non-availability of the original texts of the documents referred to in TOJO's statement, in compliance with the regulations of this Tribunal.

Def. Doc. 2807

ERRATA SHEET

Insert at the end of paragraph 1, page 4.

"It will also be testified that Japan never intended or planned aggression against U.S.S.R., although she had always been intent to prevent bolshevization of East Asia by the subversive activities of the Comintern."

## 東條英機部門曹頭陳述

## 裁判長並に裁判官各位

本曹頭陳述に於ては東條被告が供述せんとする所の全被告人の事件を  
簡明に表現せんとするものであります。

右に依り立置せんとする事件は性質上二つに分れます。その一つは  
一般的性質を有する事項であつて而も未だ立置せられざりしものを、  
東條が該事項の關係者として自己の見解に依り立置資料を追加せんと  
するものであります。その二は、既に外形的には一應立置せられた所  
の公の決定又は實施せられた措置につき、此の國家重大の時機に際會  
してその之を決するに至つた所の國家内外の情勢、之を爲すに至つた  
動機、目的、此の決定及措置の重輕を指示するものであります。

東條の供述は一九四〇年七月に全人が第二次近衛内閣の上草大臣に  
推挙せられた時に始まつて居ります。それより以前東條は既に久米  
に接する歩兵第二十四旅團長となり、或は關東憲兵司令官となり、或は  
陸軍少隊長となり、上草次官、航空總監等に任命せられましたが、  
これ等は總て國軍々人として、その軍の規律の下に服務したものであ  
つて、國家の政策決定の上には何の責任もなく、寄與したものでな  
ありませぬ。又、東條は世に所謂「青年將校」としてその本務以外に  
於て政治的行動を爲した事實もありませぬから、首相就任以前の事情



につき進んで供述すべき多くのものを有つて居らぬのであります。東條が一九四〇年（昭和十三年）七月閣議就任以來、わけても、一九四一年（昭和十六年）十月總理大臣御命以來、その職務内に於て爲した事や、發生した事件に付いては、言て觀察言にも告げた如く、政治的・行政的の責任を同進するものでありません。たとその事の刑法上の責任の有無については貴院の御判断に待つものであります。

東條の發言は眞實上、やはり事件發生の年代順に陳述して居ります。それ故、同一立證目的を達する事實（複數）でも、その發生の機會に従つて前後ずり離れて出現します。又、數個の立證目的が一の事實内容に結合して存在する場合も多いのであります。是れは本件の場合も然なる事實を取扱ふに付き避けがたき所であります。而してそれは相當多数に亘りますが、その重要な事項は次の七點に要約する事が出来ず。

第一、日本は、米、英、露に對する戦争を計劃し準備したものでない事

一九四〇年七月第二次近衛内閣が成立し、「基本国策要綱」（第一三四一、一二九七）と「世界情勢の推移に伴ふ時局處理要綱」（第一三一〇）の二つの国策が決定しました。そしてこれが、その後同内閣及びその以後の内閣の政策の基本を爲した事は事實であります。右は（一）當

時既に發生して居つた支那事變を解決する事と(二)當時の世界の情勢に鑑み十分なる國防を整備し國家の獨立と安全とを確保することが主眼でありました。支那事變の解決といふのは中國と日本との双方の面目を立て、併日侮日を停止し、兩國將來の友好を保持し、コミンテルンの侵入を防止し、以て東亞の平和を維持するやうな形態でこの事件を終結する事でありました。領土的野心、經濟的獨占の思想は含まれて居りません。三國同盟も亦支那事變を解決し日米間の戦争を避くるためには用ゐられませんでした。これに關する當時の實際の事情は發言に依つて置かれませう。

獨逸、伊と又は其他の國又は個人と共謀して世界を制覇する計劃もなく、之を實行した事實もありません。東條の供述は斯る異常なる計劃の存在又は實施に關する疑義を一掃するでありませう。

一九四一年四月に始められた日米交渉には日本政府も日本軍部もその成功に多大の望をかけ何とかその成立を見るやうに努力した事が露明せられます。日本はこれが爲めには外務大臣の取次まで行つた事の内部消息並に如何に眞摯に日米交渉の成立を望んだか上層閣員に證明せられるでありませう。日本の主事は一九四一年九月六日迄は對米英露の戦争に對しては何等の實際的準備もして居なかつた事が證明せられます。戦争が不可避となつたときに於てもそれが謀謀に基くもので

も、又計画的のものでもなかつた事が證明せられるでありませう。一九四〇年及び四一年に於ける佛印派兵も亦支那事變解決が主目的で、佛印に對する領土の保全、主權の尊重の義約の下に行はれたのであります。この保衛に關しては一九四一年七月近衛首相が當時の佛蘭西共和國元首として公認せられたるアンリー、フキツプ、ベタン元帥に宛てた書面を發見しましたから之を引用する事が出来ず。且つ此等我國の南方政策も佛印及泰を限度とし、馬來、佛印等に對しては經濟關係通商關係の維持を目的としたのでありました。



第二 韓米、英、蘭の戦争は此等の國々の挑發に原因し我國として

自存自衛の爲め眞に止むを得ず開始せられたものである事

一方支那事變に拘はり四年の間國力の消耗を來して居つた我國が一九四一年に世界の最大國米、英に對し遂に協定を決定するといふ事は實に容易ならざる事でありました。如何にして斯の如き結果を見るに至つたか。一九四一年七月二十六日には米、英、蘭の資産凍結が命令せられました。同年八月中近衛首相が訪米したルーズベルト大統領との直接會見に依る打崩策も實施に至りませんでした。斯くて

(a) 一九四一年九月六日の御前會議

(d) 一九四一年十一月五日の御前會議

(e) 一九四一年十二月一日の御前會議

といふ段階を経て遂に協定決意に至りました。右のうち一九四一年十一月五日の御前會議の決定事項としてはその一部分である甲案、乙案だけが立派せられ、この決定自体は案として未だ十分に證明せられて居りませぬ。(山本熊一氏の證言、記録二五、九四九に一部顯はれて居りますか) 東條證言に依り完全たる之を立證すると同時に石三つの御前會議決定が爲された時の中外の情勢、米英の態度につき我方の受け居りたる情報、會議に至るまでの事前手續並に石會議に於ける説明及び討論の内容、石決定の重點等につき被告の記憶する限度に於て事實に即したる證言を爲すであります。



而して右のうら米兵の態度につき我方の受け取りたる情報に最も重要であります。之に依り當時日本の指導者に取って國家の自衛権が動かし難く、然し乍ら已むを得ざることでつた理由が證明せられるであります。十一月以後に於ては我統帥部は米側に於て先制攻撃の事に出づるやも例らずと考へたのであります。

## 第三

日本政府は合法的に取返すべき米穀を以て手続を遂へたるものなる事

東條の供述に於て一九四一年十二月四日の通牒に於て東京外相より我國より對すべき通告及英米田の喪失あり、全員之を承認した事、其交付の手續は外務大臣に一任した事、右通告は國際法に依る以て争ひの通告として米國政府に手交後に於て日本は行動の自由を取り得る事、米國政府への手交は必ず政府前に實施する事、通告の不執行に對する交付の時同外相と兩總長との間に於て協議の上之を決定する事を定めたことが證明せられます。又十二月五日の通牒に於て東京外相より對米通告の骨子を説明し全員之を承認し其の手續は外相に一任した事を證明します。即ち日本は最終的に右通告を故意に眞実な政變後に交付するやうに圖つたのでない事が、乃ち右通告の内容及取返について連絡が露及内閣ともに外務局に於て露外相及國際條約に照し慎重審議を盡し合法的に取返されたものとして全く之に信賴して居りました。

第四 大東亞政策の真意義

日本の企圖して居つた大東亞政策は色々な名稱で呼稱せられました。東亞新秩序とか共榮國の建設等はこれであります。この點は歐戰中他國に於ては廢棄曲せられ盡しきは斷言の對象とせられましたが、日本國民は眞に善意に之を理解したのでありました。その基調をなすものは大東亞各民族の善意に基く政治的自由を確保すること即ち第一に東亞の平和であり、次に東亞の建設に互に協力することであります。而してこれが實現は本來平和的手段に依り列國の協力と理解に訴ふるものであります。太平洋戦争は前述の如く、日本の自存自衛のために開始せられたものであります。大東亞政策のために開始せられたものであります。此後行に各々開始せられた以上大東亞の状況に大なる變化が生じますから、此後行に各民族永年の希望の達成に協力せんとしたのであります。東亞の供進に於ては石大東亞政策の眞意及びこれが實現の手段として採用した措置を叙述するであります。わけても我が國と中國との間に存した不平等條約の取消を一掃した事、大東亞各民族の獨立又は自治を認めた事、大東亞の平和を信じて各國の善意の原動力となつた事を説明します。これ等は我國に侵略的意図をかりし事を證明する事項として本件に關係するのであります。

## 第五、所謂「軍閥」の不存在

起訴狀はその劈頭に於て本件に於て言及せる期間に於て、日本の對内對外政策は「犯罪的軍閥」に依り支配せられ且指導せられたと言つて居ります。この見解は本件起訴狀の全体に影響を及ぼして居りますが、この主張は全く事實に基礎を置かぬところの一の空想であります。此の時代に於て、國家の組織の一部たる陸軍省、參謀本部、海軍省海軍軍令部の發言權が重きを爲したといふ事實は存在します。これはいかしく、一方に於ては陸海軍武官制とか、統帥權の獨立とかいふ國家の制度の結果、此等の機關が重大な權力を持つて居つたといふ事、又他方に於ては國際不安並に内訌に對する不滿に原因して政黨に對する民心の離反等からであつて、國家機關以外に別に軍閥といふ有形又は無形の團體があつて、之が勢力を有したといふ事ではありませぬ。又かゝる勢力が自家の主張を實行する目的を以て殊更に政權を掌握したといふ事でもありません。東條の證言の始より終までを通じ斯の如き無形の勢力が國家の内訌、外政を動かした事を認むる事は出来ませぬ。尤も所謂青年將校の運動があり、又、五、一五事件、二、二六事件の如きものが起つた事實はありますが、其の度毎に軍の正式首腦は之を抑壓するに盡力しました。これ等の不祥事件の發生した後には、これが軍内一般の空氣たるかの如く故意に宣傳して自己の野望を遂げんと



したものが少くありません。斯の如き無根の風説が軍閥の存在及其の横暴の感を生じたことがあります。斯る風説に動かされた者は責任者に事實の有無をも確めず、輕率にも幻覺的勢力を自ら勝手に描いたものと云ふべきであります。特に二、二六事件以來歴代の陸軍大臣は軍人の政治干與を嚴禁して軍紀の肅正確立に邁進しました。東條が陸軍大臣時代に至つては軍人軍屬の統督、軍紀の確立には最早閑餘が無かつたことは定評のあつた所であります。これ等の経緯も本證言に依り證明せられませう。

#### 第六、統帥權の獨立と連絡會議及御前會議の運用

舊憲法の下に於ては國防月兵、即ち統帥の事は憲法上の國務の内に包含せられぬものとせられて居りました。従つて國務大臣、陸海軍大臣もそのうちに當むは統帥に干渉する權限がないものとせられて居りました。一國の方針が一般行政と統帥の二つに分裂しては、外交、軍事の實行の仕方がない。そこで兩者の協調を圖るために連絡會議、御前會議、最高戰爭指導會議なるものが發せられました。それ等の決定事項は更に其の性質に従ひ憲法の規定に依る機關即ち内閣又は統帥部に於て承認し、茲に憲法上の責任を生ずるか説明せられます。この事に關する被告の供述は本件に關係ある各種の決定の責任の所在を定めるに役立つてありませう。



## 第七、東條の行いたる軍政の特徴は統制と紀律に在りたる事

並に彼は未だ曾て非人道行爲を命令、許容、默認したることなきこと  
 東條は陸軍部内の各種の地位に在つた時に於ても正なる統制と嚴格  
 なる規律を重んずる事に依り有名でありました。一九三六年の二、二  
 六事件の際に於ても滿洲に於て直ちにその關係を整理し、事を待  
 せしめました。第二次近衛内閣の随相として始めて政治的責任を帶ぶ  
 るに至つた時に於ても、一軍の統制を一層確實にする事を以て陸軍  
 の今後の重要方針の一としました。仍て一九四〇年九月北滿總督印田  
 の時にも鐵道の有無については軍法會議の開催を主張しました。軍  
 道の建設につき俘虜處遇に非違ありとした場合には是亦軍法會議を求  
 めて居ります。組織の利用、法規の遵守が東條の行いたる軍政の特徴  
 でありました。俘虜の處遇に於ても留意せられました。一般人の處遇  
 に於ても常に法規を犯すことを許し又は之を默認した事とはありま  
 せぬ。東條の名に於て發せられた俘虜勞務規則も俘虜收容所長に與へ  
 たる訓示も俘虜に強制勞務を命じたものではありませぬ。東條は前線  
 に在る者のため特に戰陣訓を制定し、將士に對しその遵守を命じまし  
 た。苟も非人道行爲を命令し、或は默認したことはありませぬ。東條  
 は、常に天皇陛下の御恩召を嚴格に守らんと努力した事は他の被  
 告も言及した通りであります。東京空襲の飛行士に對しても、陛下平

素の御意思を體しその裁判を奏請した事も立證せられます。  
東條辯護の部門に於ては、東條自身が證人として供述を爲すの外に  
は、證人の訊問はありません。吾々は尙ほ數通の書證を提出しますが  
これは總て東條が其の供述中に言及した文書を、當裁判所の規定に従  
つて引用するか、若くはその原本の不存在の證明であります。

東條英樞部門冒頭陳述

正 誤 表

四頁の終に左の一文を挿入して下さい  
「東條の證言に於ては日本はコミンテルンの不法活動に因る東亞の  
赤化に對しては終始その防衛に力を盡しましたが、ソビエト社會  
主義聯邦に對する侵略は曾て意圖し計劃した事もない事が證せられ  
るであります」